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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 UNITED STATES OF AMERICA, } CR No. 07-764-SI
17 Plaintiff, } STIPULATION AND [PROPOSED] ORDER
18 v. } EXCLUDING TIME UNDER 18 U.S.C. § 3161
19 JUAN HERRERA-SANTOS, }
20 Defendant. }
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22 On February 8, 2008, the parties in this case appeared before the Court and stipulated that
23 time from February 8, 2008 through March 14, 2008 should be excluded from Speedy Trial Act
24 calculations because defense counsel needs adequate time to continue investigation related to
25 this case and to draft motions. The parties represented to the Court that the length of the
26 requested continuance was the reasonable amount of time necessary for effective preparation of
27 defense counsel, taking into account the exercise of due diligence. 18 U.S.C. §
28 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by this continuance

1 outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
2 3161(h)(8)(A).

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4 SO STIPULATED:

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6 JOSEPH P. RUSSONIELLO
7 United States Attorney

8 DATED: February 14, 2008

9 _____/s/
10 TAREK J. HELOU
11 Assistant United States Attorney

12 DATED: February 14, 2008

13 _____/s/
14 STEVEN KALAR
15 Attorney for Defendant JUAN HERRERA-SANTOS

16 As the Court found on February 8, 2008, and for the reasons stated above, the Court finds
17 that the ends of justice served by the requested continuance outweigh the best interests of the
18 public and the defendant in a speedy trial. The Court also finds that time from February 8, 2008
19 through March 14, 2008 shall be excluded from Speedy Trial Act calculations for effective
20 preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested
21 continuance would deny counsel reasonable time necessary for effective preparation, taking into
22 account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §
23 3161(h)(8)(B)(iv).

24
25 SO ORDERED.

26 DATED: _____

27 THE HONORABLE SUSAN ILLSTON
28 United States District Judge